

MESSAGE NO: 6312205 MESSAGE DATE: 11/08/2006

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/01/2004 TO 10/31/2005

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOLLOWING THE RESCISSION OF ANTIDUMPING
ADMIN. REVIEW, IN PART, OF ANTIDUMPING DUTY ORDER ON FRESH GARLIC FROM
CHINA (A-570-831)

MESSAGE NO: 6312205

DATE: 11 08 2006

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 570 - 831

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PERIOD COVERED: 11 01 2004 TO 10 31 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOLLOWING THE RESCISSION OF
ANTIDUMPING ADMIN. REVIEW, IN PART, OF ANTIDUMPING DUTY
ORDER ON FRESH GARLIC FROM CHINA (A-570-831)

1. THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON
FRESH GARLIC FROM THE PRC (A-570-831), COVERING THE PERIOD
11/01/04 THROUGH 10/31/05, HAS BEEN RESCINDED, IN PART, AT THE
REQUEST OF THE PETITIONER AND CERTAIN RESPONDENTS. YOU ARE TO
ASSESS ANTIDUMPING DUTIES ON THIS MERCHANDISE ENTERED, OR
WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD
LISTED BELOW AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT AT THE
TIME OF ENTRY. THE COMPANIES BELOW MAY HAVE ALSO ENTERED UNDER

THE PRC-WIDE RATE DURING THE ABOVE PERIOD.

FRESH GARLIC FROM THE PRC (A-570-831),
FOR THE PERIOD 11/01/04 THROUGH 10/31/05,

LIQUIDATE ALL ENTRIES FOR THE FOLLOWING COMPANIES:

CLIPPER MANUFACTURING LTD.
H&T TRADING CO.
HUAIYANG HUAMEI FOODSTUFF CO. LTD.
JINING YUN FENG AGRICULTURAL PRODUCTS CO. LTD.
JINXIANG HONGYU FREEZING AND STORAGE CO. LTD.
JINXIANG TIANSHAN FOODSTUFF CO. LTD.
LINYI SANSHAN IMPORT & EXPORT TRADING CO. LTD.
QINGDAO SATURN INTERNATIONAL TRADE CO. LTD.
SHANDONG DONGYUE PRODUCE CO. LTD.
SHANDONG JINING JINSHAN TEXTILE CO. LTD.
SHANGHAI LJ INTERNATIONAL TRADING CO. LTD.
TANCHENG COUNTY DEXING FOODS CO. LTD.
XI'AN XIONGLI FOODSTUFF CO. LTD.
XIANGCHENG YISHENG FOODSTUFFS CO.
ZHENGZHOU HARMONI SPICE CO. LTD.

2. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF THE MERCHANDISE FOR THE COMPANIES AND PERIOD LISTED ABOVE OCCURRED WITH THE PUBLICATION OF THE NOTICE OF PARTIAL RESCISSION OF THE ADMINISTRATIVE REVIEW (71 FR 37537 (06/30/2006)). YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

3. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAYS INTEREST ON OVERPAYMENTS. OR ASSESSES INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT

APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

4. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:IG).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party